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*AW Beteiligungs GmbH*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 LEVELS NETWORK, INC., a Delaware  
16 corporation; and AW BETEILIGUNGS GMBH,  
17 a limited liability company organized under the  
laws of Germany,

18 Plaintiffs,

19 v.

20 JONAS FREY, an individual,

21 Defendant.

Case No: 2:21-CV-01796-RFB-BNW

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY PLAN AND  
SCHEDULING ORDER DEADLINES**

**(First Request)**

22 Pursuant to LR IA 6-1, LR IA 6-2, LR II 7-1, and LR II 26-3, Plaintiffs Levels Network,  
23 Inc. and AW Beteiligungs GmbH (together, the “Plaintiffs”), by and through their undersigned  
24 counsel, and Defendant Jonas Frey (“Defendant”), by and through his undersigned counsel, hereby  
25 stipulate, contingent upon this Court’s approval, to entry of the following Amended Discovery  
26 Plan and Scheduling Order. This is the Parties’ first request for an extension.

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**A. The Discovery Completed to Date:**

Plaintiffs filed their Verified Complaint on September 28, 2021 (ECF No. 1). Defendant filed an Answer to the Complaint on October 28, 2021 (ECF No. 28). This Court entered an initial Discovery Plan and Scheduling Order on November 18, 2021 (ECF No. 38) (the “Scheduling Order”).

To date, the Plaintiffs have propounded the following discovery:

Date	Plaintiffs’ Propounded Discovery	Response Date
12/1/2021	Initial Disclosures Served	
12/23/2021	Plaintiffs’ Request for Production of Documents	1/23/2022, extended to 2/23/2022

Defendant has not propounded any discovery as of yet.

**B. The Discovery that Remains to be Completed:**

Plaintiffs wish to conduct additional discovery with respect to the software, including the underlying code, relating to Appointment Trader. Plaintiff is currently reviewing a large amount of documents recently produced by Defendant to ascertain whether additional discovery is warranted.

**C. The Reasons Why Discovery Was Not Completed:**

Discovery was not completed as the parties have been unable to agree on a procedure for producing the Appointment Trader software, including the source code, and may need court intervention. The software is being run by Phoenix Labs, LLC and Plaintiff has not secured information to ascertain whether this party should be added.

**D. A Proposed Schedule for Completing All Remaining Discovery:**

By this stipulation, the Parties agree and request a forty-five (45) day extension of the following deadline set forth in the Scheduling Order:

Discovery Event	Current Deadline	Extended Deadline
Amending Pleadings / Adding Parties	April 29, 2022	June 13, 2022

**E. Good Cause**

Pursuant to LR II 26-3, good cause exists to extend the deadline for adding additional parties and/or amending the pleadings, as discovery was not completed insofar as Plaintiff has not been able to review the sought after software, including the Appointment Trader code. The software is being run by Phoenix Labs, LLC and Plaintiff has not secured information to ascertain whether this party should be added as a party-defendant to the action. The parties have been unable to agree on a procedure for producing the Appointment Trader software and may need court intervention such that Plaintiff can ascertain whether or not Phoenix Labs, LLC should be added as a party-defendant.

**IT IS SO AGREED AND STIPULATED:**

DATED this 20th day of April, 2022.

**HOLLEY DRIGGS LTD.****MARQUIS AURBACH COFFING**

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 & Levels Network, Inc.

*Attorneys for Plaintiffs Levels Network,  
 Inc. and AW Beteiligungs GmbH*

**ORDER****IT IS SO ORDERED****DATED:** 5:13 pm, April 21, 2022

**BRENDA WEKSLER**  
 UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that on the 20th day of April, 2022, I caused the document entitled **STIPULATION AND ORDER TO EXTEND DISCOVERY PLAN AND SCHEDULING ORDER DEADLINES**, to be served as follows:

Attorneys of Record	Parties Represented	Method of Service
Brian R. Hardy, Esq. Susan E. Gillespie, Esq. MARQUIS AURBACH COFFING 10001 Park Run Drive Las Vegas, Nevada 89145	Defendant Jonas Frey	<input type="checkbox"/> Personal Service <input checked="" type="checkbox"/> Email/E-File <input type="checkbox"/> Fax Service <input type="checkbox"/> Mail Service

/s/ Kathy MacElwain  
An employee of Holley Driggs Ltd.